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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,462	11/07/2001	Hiroshi Matsuyama	214706US2PCT	4707
22850	7590	11/01/2005	EXAMINER	
OBLOM, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.				TRAN, PHUC H
1940 DUKE STREET				
ALEXANDRIA, VA 22314				
		ART UNIT		PAPER NUMBER
				2668

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.F

Office Action Summary	Application No.	Applicant(s)
	09/926,462	MATSUYAMA, HIROSHI
	Examiner	Art Unit
	PHUC H. TRAN	2668

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 November 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 3-9 is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 November 2001 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

<ol style="list-style-type: none"> 1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/7/02, 9/11/02</u>. 	<ol style="list-style-type: none"> 4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6)<input type="checkbox"/> Other: _____.
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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Solondz (U.S. Patent No. 5615249).

- With respect to claim 1, Solondz teaches a communication service system (e.g. a cellular telephone system for servicing calls of Solondz) comprising:
a plurality of switching centers (blocks 112, 138 in Fig. 1);
a communication network for connecting the plurality of switching centers with one another (e.g. Fig. 1 shows the network with mobiles and base station); and
a dedicated communication terminal for establishing a communication circuits each of the switching centers (the mobile stations in Fig. 1 for communicate through mobile telephone switch offices);
wherein the communication service system holds accumulated utilization information for each of the dedicated communication terminals (e.g. the database 116 and 142 in Fig. 1, see col. 3, lines 35-40), and changes functions, user interfaces, and/or communication services, for each of the dedicated communication terminals, in response to the accumulated utilization information

(e.g. the steps 216 in Fig. 2; 316 in Fig. 3 show the base station communicate with the mobile station base on the level-of-service of the mobiles).

- With respect to claim 2, Solondz teaches a dedicated communication terminal (mobiles 106,120,122,132 in Fig. 1) that establishes a communication circuit for communicating with respective switching centers (e.g. MTSO in Fig. 1) connected with one another through a communication network, and that performs prescribed communication, the dedicated communication terminal comprising:

a storing means for holding accumulated utilization information of the dedicated communication terminal itself (e.g. the database 116 and 142 in Fig. 1, see col. 3, lines 35-40); and

a changing means for changing functions, user interfaces, and/or communication services, for the dedicated communication terminal, in response to the accumulated utilization information (e.g. the steps 216 in Fig. 2; 316 in Fig. 3 show the base station communicate with the mobile station base on the level-of-service of the mobiles).

Allowable Subject Matter

3. Claims 3-9 are allowed.

4. The following is an examiner's statement of reasons for allowance:

- Claims 3-9 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly discloses a dedicated communication terminal that establishes a communication circuit for communicating with respective switching centers connected with one another through a communication, and that performs prescribed

communication, the dedicated communication terminal comprising: a plurality of functional counters for counting accumulated utilization information of each function, and for holding the accumulated utilization information; a level determining means for calculating weighted sum of values of the plurality functional counters, and for determining a utilization level of the dedicated communication terminal according to the sum of the values; and a changing means for changing functions, user interfaces, and/or communication services in response to the utilization level.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Virtnen (U.S. Patent No. 6879834 B2) discloses method and system for limiting quality of service of data transmission.

- Hsu et al. (U.S. Patent No. 6169898 B1) discloses apparatus, and associated method, for maintaining a selected quality of service level in a radio communication system.

- Solondz (U.S. Patent No. 5615249) discloses service prioritization in a cellular telephone system.

- Purnadi et al. (U.S. Patent No. 6556824 B1) discloses apparatus, and associated method for controlling service degradation performance of communication in a radio communication system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
10/25/05

Chieh M. Fan
CHIEH M. FAN
PRIMARY EXAMINER